



## DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled CONTROL OF GENE EXPRESSION; the specification of which was internationally filed on March 19, 1999, as International Application No. PCT/AU99/00195, and for which the initial documents for entry into the U.S. National Phase were filed on September 20, 2000.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

Priority  
Claimed

No.: <b>PP 2492</b>	Country: <b>Australian Prov Patent Appl</b>	Date Filed: <b>March 20, 1998</b>	<b>Yes</b>
<b>PP 2499</b>	<b>Australian Prov Patent Appl</b>	<b>March 20, 1998</b>	<b>Yes</b>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: Michael Wayne Graham

Inventor's signature [Signature]

Date 19 October 2000

12 Lant Street, Chapel Hill 4069  
Residence: ~~42 Raglan Street, St. Lucia, Queensland 4076~~, AUSTRALIA

Citizenship: **Australian**

Post Office Address: **Same as Above**

Full name of second inventor: **Robert Norman Rice**

Inventor's signature *Robert Norman Rice*

Date 19<sup>th</sup> October 2000

Residence: **39 Foley Place, Sinnamon Park, Queensland 4073, AUSTRALIA**

Citizenship: **Australian**

Post Office Address: **Same as Above**

Send Correspondence To:  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Graham et al. )  
App. No. : Pending )  
Filed : Herewith )  
For : CONTROL OF GENE EXPRESSION )  
Examiner : Unknown )

RECEIVED  
04 JAN 2001  
Legal Staff  
International Division

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and

App. No. : Pending  
Filed : Herewith

Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

BENITEC AUSTRALIA LTD.

\* Dated: 17 November 2000

\* By: K.C. REED

\* Title: DIRECTOR, RESEARCH + TECHNOLOGY  
BENITEC LTD.

Address: Level 4  
62 Pitt Street  
Sydney, NSW 2000  
AUSTRALIA

STATE OF QUEENSLAND THROUGH ITS  
DEPARTMENT OF PRIMARY INDUSTRIES

Dated: 24/10/00

By: WARREN HOEY

Title: DIRECTOR - GENERAL

Address: 80 Ann Street  
Brisbane, Queensland 4000  
AUSTRALIA

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Application No.: Pending  
Filing Date: Herewith

PATENT  
Client Code: DAVI105.001APC  
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ASSIGNMENT

WHEREAS, We, Michael Wayne Graham, a Australian citizen, residing at ~~42 Raglan Street, St. Lucia,~~ <sup>12 Lant Street, Chapel Hill</sup> Queensland ~~4076,~~ <sup>4069</sup> Australia, and Robert Norman Rice, a Australian citizen, residing at 39 Foley Place, Sinnamon Park, Queensland 4073, Australia, have invented certain new and useful improvements in a CONTROL OF GENE EXPRESSION for which we have filed the initial documents for the U.S. National Phase of International Application No. PCT/AU99/00195 on September 20, 2000;

AND WHEREAS, Benitec Australia, Ltd., with its principal place of business at Level 4, 62 Pitt Street, Sydney, NSW 2000, Australia, and the State of Queensland through its Department of Primary Industries (hereinafter "ASSIGNEES"), with its principal place of business at 80 Ann Street, Brisbane, Queensland 4000, Australia, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 19 day of October, 2000

  
Michael Wayne Graham

  
Witness

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 19 day of October, 2000

  
Robert Norman Rice

  
Witness